

THE
C A S E

OF ALL

The Non-Commission'd ^{Officers} Officers,
(Viz. Corporals, Trumpeters and Kettle-Drummers,)

AND

Private Horsemen

OF

Colonel Theodore Russel's late Regiment.

Who, upon the Breaking of the said Regiment, entered themselves into other Regiments, in His Majesties Service, and could never obtain their Arrears in the said late Regiment (being about 30 l. a Man,) or One Penny thereof: When all the Commission'd Officers, and divers of the Non-Commission'd Officers, and private Horsemen, who then quitted His Majesty's Service, were fully paid off their Arrears, by the Lord Coningsby, or his Deputy, &c. without any Deduction: And of Joseph Duckett, Gent. whom the persons so unpaid, have employ'd as their Attorney or Solicitor, for obtaining their said Arrears. Together with some Remarks on the Pay-Masters Accounts, &c.

Humbly Represented to the Honourable House of
Commons.

The Case, &c.

THE said Regiment was first Commanded by the Lord *Delamer*, and about the beginning of the late Wars in *Ireland*, was sent over thither, and given to the said Colonel *Theodore Russell* (who then was, and still is an Inhabitant of that Kingdom) and after the said Regiment had served in all, or most of the Battles there fought, till the 20th of *March*, 1690. (whereby it was somewhat reduc'd) it was then broken; the said Non-commission Officers and private Troopers, having receiv'd no Clearing, nor above 12 l. a man towards their Subsistence-Money, for the space of 365 days.

Upon the breaking of the said Regiment, the Soldiers now remaining unpaid, upon promises made them by Major-General *Douglas*, that they should be duly Paid their Arrears, were encouraged to go into other Regiments (where divers of them, still continue) but instead thereof the Lord *Conningsby*, who was then Paymaster in *Ireland*, or his Deputy, *Will. Robinson*, Esq; paid all the Commission'd-Officers of the said Regiment then in *Ireland*, their full Arrears; and likewise many of the Non-commission'd Officers, and private Horse-men of the said Regiment, who then quitted his Majesties Service; (and the said Colonel, and the rest of the Commission'd-Officers of the said Regiment, being in *England*, were afterwards in like manner paid off, the full of their Arrears and Demands, at Mr. *Fay's* Office) without having any deductions made out of such their Arrears, towards the publick Charges of the said Regiment; which, as, appears by the Paymasters own Accounts, amount to near 10000 l. but no manner of care was taken to preserve one penny for these honest loyal Men, who continued to hazard their Lives for the honour and service of their King and Country, even to the entire Reducing of *Ireland*; being about 120 in Number, and having (one with another) near 30 l. a Man due to them for their Arrears in the said Regiment.

When

When the Wars in *Ireland* were ended, the persons so remaining unpaid, being tired with following the said Col. and his Agent for their said Arrears, applied themselves to the said *Joseph Duckert*, importuning him to assist them towards getting their said Arrears, and gave him a sufficient Authority under their hands and seals for that purpose; whereupon he, together with divers of the said Soldiers, several times attended the said Col. *Russel*, entreating him to give them his assistance therein, which he refused to do, and at length (to be rid of them) bid them apply themselves to the said Mr. *Robinson*; which they accordingly did, and he kept them in hand a long time, but finding that they would not be tired out by fruitless Attendances, he then told them he could not pay them till they had taken out Copies of their Muster-Rolls, to make it appear how long each of them had served in the said Regiment; and tho divers of them, (being then in Sir *John Lanier's* Regiment, and just going to the Campaign in *Flanders*) most humbly besought him but to let them have 30 or 40 s. a Man to buy them necessaries for the Campaign (which was not much above 12 d. in the pound of what is due to them) yet would not furnish them with a Penny.

Upon this they procured the Muster-Rolls to be sent for out of *Ireland*, and at a considerable Expence, got copies of them, wherewith they again attended the said Mr. *Robinson*, who then told them he could not pay them without an order from Mr. *Fox* or the Lord *Cunningshy*, and so sent them to Mr. *Fox's* Office; where (after having attended about as long as on the said Mr. *Robinson*) they were told, no Money could be paid without an Order from the King, or the Lords of the Treasury.

Whereupon an humble Petition was presented to her late Majesty of blessed memory, which she was graciously pleas'd to refer to the consideration of the Lords of the Treasury; but the King (who was then in *Flanders*) being return'd before any Proceedings could be had thereupon, another Petition was humbly presented to his Majesty, which he was likewise graciously pleas'd to refer, as before; and the Lords of the Treasury referred the same to Mr. *Fox* and the Lord *Cunningshy*, to report what was fit to be done therein.

Mr. *FOX's* Report.

Upon this, Mr. *Fox* made his Report in these words, viz. *Aday is please your Lordships, Your Lordships having been pleas'd sometime since to refer a Petition of several Non-commissioned Officers and Private Horsemen of Coll. Theodore Russel's late Regiment, to the Lord Conningshy and myself; we did then defer making any Report upon the same, until such time as their Accounts should be stated, either by the Coll. or his Agent, that we might have been able to have given your Lordships an exact Account*

what had been due to them, but do not find they have yet done it, however are very pressing for a Report, in order, as I suppose, to obtain some directions from your Lordships, to oblige the Col. or their respective Captains to make up, and state their Accounts, which I am of opinion they ought not to refuse, since at the breaking of the Regiment, all that quitted the Service were fully cleared; and it would seem very unequal if those that Entered themselves into other Regiments should not have the same Justice done them; But I am wishal to inform your Lordships, that whenever this is done, in order to the Paying of these Men, his Majesty must declare, whether the exceedings of the last Cloathing furnished them (over above what the Officers reckonings would bear to the time of their being broke) shall stand charged on the Regiment: And whether the same allowances are to be made to them, as are given to the Regiments of Horse, whose Accounts have lately been stated, otherwise the Accounts of the Regiment will not bear it; for as they now stand it is over paid. Which is humbly submitted to your Lordships. (Sign'd)

Octob. 13.

1693.

Chas. Fox.

Which Petition, with the said References and Report, being carried back to the Treasury, do there remain; but no farther proceedings could ever since be obtain'd thereupon.

That one main Objection against these men being paid their said Arrears, was, for that they had not got every man's particular Account stated by the said Col. or his Agent, or the Captains of the said Regiment, which may seem to be an insuperable difficulty designedly put upon these poor Soldiers, to make them for ever incapable of receiving their said Arrears; for that the said Col. and all the rest of the Commission'd Officers of the said Regiment, having (upon the breaking of the said Regiment) received their full Pay without bearing any part of the said Publick Charges of the Regiment; amounting to near 10000*l*. as aforesaid (and so, in great part, shared and divided amongst themselves, that money which ought to have been applied towards Paying the Soldiers, as well as them) as, in reason, it is not to be expected of them; so in fact, they have refused to assist the said Soldiers in Stating their Accounts; which if they should do, would detect themselves and the said Mr. *Robinson* (or such person or persons who paid them the said money) of their unfair Dealings, in respect of their unequal distribution and disposal of the money paid by his Majesty, for the use of the said Regiment; and as for Mr. *John Russel*, who was Agent of the said Regiment; he is a near relation of the said Col. and so much in his Interest; and against having the said Accounts stated, that tho Mr. *Harrison* (who is one of those who continued in his Majesties Service, and

and is still unpaid) after the Regiment was broke, applied himself to him, entreating him to state his Accounts in order to the obtaining his said Arrears, yet could he not prevail with him so to do, till he was forced (as he the said Mr. *Harrison* hath affirmed) to threaten the said Agent to shoot him, and stood with his Kirbine over him, till he had stated such his Account; and if the difficulty was so great, when the said Soldiers were in *Ireland*, (where both the said Col. and his Agent now are) to get one single Man's Account Stated, what can be expected of them at this Distance, in respect of all the men still unpaid? Moreover, upon the breaking of the said Regiment, all the said Commission'd-Officers, as soon as they had got their own monies, dispersed themselves without taking any care of the said Soldiers, or to adjust their Accounts.

That altho the said *Joseph Duckett*, in behalf of the said Soldiers, hath often times urged these Reasons to demonstrate it to be almost morally impossible, to get every particular mans Account to be now stated by the said Col. Capt. or Agent; and offered, by the help of the Paymasters own Accounts, and by the Copies of the Muster-Rolls, and some particular Accounts (stated by the said Agent) which he hath now by him, to demonstrate what is due to every one of the said Soldiers who are still unpaid; yet would not the same be admitted of?

Some Remarks on the Paymasters Accounts.

That the said Soldiers or their Solicitor, surpris'd to see it Certified by Mr. *Fox's* Report, that the said Regiment is over-paid, did (with some difficulty) obtain Copies of the said Mr. *Robinson*, of the Pay-masters Accounts of the said Regiment, as the same stand entred in their Book; whereby it appears that there is charged to the said Regiment, for Provisions and Hospital Charges 1297 *l.* 3 *s.* 2 *d.* For the charge of Ordnance, Transports and Recruit-horses 1121 *l.* 2 *s.* 4 *d.* For Quarters in *Ireland* for the said Regiment 2974 *l.* 6 *s.* 4 *d.* For money paid to the said Col. *Russel*, on Account of Cloaths by him provided for the said Regiment 1200 *l.* 7 *s.* For Respits (or Absent men) 3129 *l.* 18 *s.* 6 *d.* And for 500 Sheep, and 40 Bullocks, seized by the Lieutenant Col. 140 *l.* Which Sums, so charged upon the said Regiment amount together to the Sum of 9862 *l.* 17 *s.* 4 *d.*

And it likewise appears by the said Book of Accounts, that the Paymasters or their Deputies, have since the breaking of the said Regiment, paid to the said Col. and the rest of the Commission'd-Officers the sum of 8044 *l.* 13 *s.* 4 *d.* in full of their Arrears; (which cannot be pretended by the Paymasters, to have been paid to the said Col. or the Captains for the use of the Regiment, and that they (without the knowledge or consent of the Paymasters) kept it for their own use, and defrauded the Soldiers of their shares thereof; for that it thereby plainly appear

appears to have been paid to the said Officers, in full of their own Pay only ; and how much of it was paid to the said Coll. and every one of the said Commission'd-Officers respectively, is therein particularly expressed)

And that the said Paymasters, or their Deputy, or one of them, have or hath, since the breaking of the Regiment, also paid to divers of the Non-Commission'd Officers and private Soldiers of the said Regiment, (who then left his Majesties Service) the sum of 1248 *l.* 4 *s.* 6 *d.* for their Arrears in the said Regiment, which said Sums of 8044 *l.* 13 *s.* 4 *d.* so paid to the said Commission'd-Officers, and 1248 *l.* 4 *s.* 6 *d.* so paid to the Non-Commission'd Officers and private Soldiers, who quitted his Majesties Service upon the breaking of the said Regiment, amounting together to the Sum of 9292 *l.* 17 *s.* 10 *d.* were paid for such their Arrears, without any deduction taken out of their said Arrears towards the afore said publick Charge of 9862 *l.* 17 *s.* 4 *d.* So standing upon the said Regiment, as appears by the Paymaster's own Accounts. But when these men, who have all along ventur'd their lives for their King and Country, come to demand their said Arrears, they are told by the Paymasters that there is nothing coming to them, for that the Regiment is already over-paid ; and so they trump up and lay the said publick Charge of 9862 *l.* 17 *s.* 4 *d.* wholly upon these poor men to defraud them of their Pay, which they have dearly earn'd, with the often hazard of their lives ; and let those that quitted the service, go off, with their full Pay without bearing any part of it ; To the great Discouragement of faithful, Loyal Men ; and against the Honour and Interest of his Majesty and the Nation.

That it is not only very hard and unreasonable to lay the whole publick Charge of the Regiment upon these poor men, and exempt the rest, and all the Commission'd Officers from bearing any part of it. But the said publick Charge, in it self, seems, in several particulars, to be Artificially compiled, on purpose to debar these men of their Right ; they verily believing that if their Bills of Quarters were preduced, it would not appear that the private Soldiers owe above 4 or 5 *l.* a man for their Quarters in *Ireland*, while they were in that Regiment (they being generally in Camps or Sieges while they were in the said Regiment) and yet there is Charged for Quarters for the said Regiment 2974 *l.* 6 *s.* 4 *d.* There is also charg'd as paid to the said Col. *Rassell* for Cloaths by him provided for the said Regiment 1200 *l.* 7 *s.* when all the Cloaths he ever furnished the Regiment with, were only one Surtoe-coat a man, made of red Bays, or some such coarse Cloth, without any Lining, and almost without Buttons, worth but about 10 *s.* a Coat, being so very bad, that all who could otherwise provide themselves, refused to accept of them ; but if he hath taken more than he ought, he is very well able to refund it to his Majesty, (he being extremely rich) ; And what is charged for Respects, &c. is likewise very extraordinary. There

There is also charged to the Regiment (as aforesaid) 140 l. for 500 ^{6/3} Sheep, and 40 Bullocks pretended to be seiz'd by the Lieutenant Col. when he only took the said Castle, with a certain Lady, who was the Owner of them, (for whom he had a kindness,) into his Protection, and put the Soldiers to drive the said Cattle for her; and tho they had not one Hoof of them, yet are they now charg'd with the whole Herd.

But lest these matters should not raise the said Charge high enough, they have chose rather to pay some of the said Commission'd-Officers their Arrears (in part) twice over, since the breaking of the said Regiment (as appears by their own Accounts) then that those men, who so continued in his Majesties Service, and are unpaid, should have one penny coming towards their said Arrears; for which reasons (and divers others that might be given) it may not, perhaps, be altogether unworthy the Consideration of this Honourable House, to caule the said Accounts (and their Vouchers too) to be Inspected, and throughly Examined.

That the said Soldiers (so unpaid) and their said Solicitor, meeting with these, and many more discouragements, after above two years constant and expensive waiting and Attendances from Office to Office, as aforesaid, being out of all hopes of ever obtaining Relief therein, by those the proper and ordinary Courses and Methods; did about twelve months since print their Case, and humbly present it to the Members of this Honourable House, and had a Petition drawn and sign'd by a considerable Number of the said unpaid Soldiers, ready to have been presented to the House, but by the Advice of some Worthy Members, the same was put off, by reason the Session of Parliament was then near at an end.

That their said Solicitor observing some time since, that this Honourable House was taking into Consideration some Abuses of the like Nature, did, by Mr. *Edward Paussefort*, give the Paymasters to understand, That if it were not their pleasure to let the said Soldiers Accounts be adjusted, and to put the matter into such a method, that they might be paid their said Arrears, he must be forced to bring it again before the House. To which he received for Answer, from the Lord *Canningby*, by the said Mr. *Paussefort*, That his Lordship would, within a few days, speak to the King, and beg of His Majesty, that they might be paid; and so kept their said Solicitor from proceeding any further thereupon; till at length one Captain *Eben-exer Leeds*, who is Son in Law to the said Col. *Russe*, was brought out of *Flanders* to take upon him the management of the said business; and, as it may be reasonably presumed, to keep the same from being brought before this Honourable House.

That the said *Joseph Duckert*, their Solicitor, altho he hath a sufficient Authority, by Letters of Attorney, under the Hands and Seals of the said Soldiers (well attested) to receive, and give a Discharge for their
said

said Arrears; yet doth he not desire to receive the same, without giving good Security to render to every one his due: But he humbly conceives it to be very hard, that after he has spent 3 years time in Attendance upon this Occasion, and above 100*l*. out of his pocket (part whereof was laid out by him in relieving the meer Necessities of many of the Soldiers when with him, as they themselves will testify) the Business should now be taken out of his hand, without any Consideration, and the Soldiers not benefitted thereby.

That it hath appeared to be very disagreeable to some Officers of the Army, to have any other persons intermeddle in matters of Account betwixt them and the Soldiers; but for want thereof, it is too much to be feared, that the poor Soldiers (who lie under the danger of being call'd, and perhaps tried too for Mutineers; besides other Severities, if they do but assert their Right to their Officers, in respect of their pay) are forced often times to put up with very lame Accounts; and to take rather what their Officers please to give them, than what they ought to pay them for their Arrears: And if some proper Remedy and Relief therein, was found out and provided, it may be, nothing would more conduce to the Encouragement of all the Inferior Officers and private Soldiers, in whom the strength of the Army consists, and on whom the Honour and Service of his Majesty, and Safety of the Nation do consequently in great measure depend.

THE
CASE
Of the
Private Soldiers, &c.

That the said Petitioner, being desirous to obtain a Discharge for the Authority, by Letters of Attorney, under the Hand and Seal of the said Petitioner (well attested) to receive and give a Discharge for the